

REPORT

DATE: September 2, 2004
TO: Energy and Environment Committee
FROM: Ted Harris, Associate Regional Planner, harrist@scag.ca.gov, (213) 236-1916
RE: 2004 Regional Transportation Improvement Program (2004 RTIP) Air Quality Conformity

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Recommend that the Regional Council approve the air quality conformity determination for the 2004 RTIP as part of resolution # 04-453-2.

SUMMARY:

The federal Clean Air Act (CAA) requires SCAG to determine transportation air quality conformity for the 2004 Regional Transportation Improvement Program (RTIP). Specifically, section (176(c) (42 U.S.C. 7506(c)) requires transportation plans and programs to be consistent with ("conform to") the air quality goals established by a state air quality implementation plan (SIP). The purpose of the state SIP is to meet the U.S. Environmental Protection Agency (EPA) standards for air quality.

According to the CAA, transportation plans and programs cannot:

- create new violations of the federal air quality standards;
- increase the frequency or severity of existing violations of the standards; or
- delay attainment of the standards

The five key tests used to determine transportation air quality conformity for the RTIP include:

1. Interagency consultation and public involvement
2. Consistency of the RTIP with the Regional Transportation Plan (RTP)
3. Regional emission budgets
4. Funds to implement
5. Timely implementation of Transportation Control Measures (TCMs)

The process to develop and circulate the 2004 RTIP has fulfilled all of the requirements to ensure meaningful public involvement and coordinated interagency consultation. SCAG released the Draft RTIP for a 30-day public review and comment period on June 18, 2004. During June-July 2004, SCAG conducted seven public hearings one in each county and one for the entire SCAG region. A complete set of the Draft 2004 RTIP documents was posted on SCAG's web-site on June 18, 2004. At the same time, copies of the Draft 2004 RTIP documents were placed in the public libraries and

REPORT

notices of public hearings and availability of the Draft documents were advertised in the major regional newspapers. SCAG's Transportation Conformity Working Group has served as a forum for interagency consultation, and additionally, there were many ad-hoc meetings held between the involved agencies for this purpose.

The 2004 RTIP is consistent with the 2004 Regional Transportation Plan (RTP). Specifically, SCAG's 2004 RTIP project listing is consistent with the policies, programs, and projects in the 2004 RTP.

The results of the transportation and associated emissions modeling demonstrate that emissions associated with implementing the 2004 RTIP will not exceed the applicable regional emission budgets established in the State Implementation Plan (SIP). Furthermore, the modeling meets or exceeds the modeling requirements mandated by federal regulations and the analysis employs the latest planning assumptions.

The 2004 RTIP meets the fiscal constraint requirements. All projects listed in the 2004 RTIP are financially constrained for all fiscal years. Specifically, funds are available and committed for the first two years of the RTIP, and funds are reasonably expected for the years of the RTIP beyond the first two years.

After extensive review and coordination with the implementing agencies, staff have determined that committed Transportation Control Measures (TCMs) designated in the 2002 RTIP have been given funding priority, are expected to be implemented on schedule, and any initial obstacles identified have been or are being overcome. Furthermore, TCM strategies listed in the 1994 (as amended in 1995) Ozone AQMP/SIP for the VC/SCCAB were given funding priority and are on schedule for implementation.

CONCLUSION

Staff have determined that the 2004 RTIP has fulfilled the requirements for all of the conformity tests and recommends that the Regional Council approve the positive conformity determination as part of the approval resolution (04-453-2) of the 2004 RTIP.

ATTACHMENTS

Powerpoint Presentation
Under separate cover Resolution 04-453-2 will follow

FISCAL IMPACT:

The staff resources for determining air quality conformity for the 2004 RTIP are contained within the Fiscal Years 2003/04 and 2004/05 SCAG budgets.

**Energy and
Environment
Committee**

2004 RTIP Air Quality Conformity

Ted Harris
 Air Quality Program Lead
 Southern California
 Association of Governments

September 2, 2004

The 2004 SCAG Regional Transportation Improvement Program (RTIP)
1

**The 2004
Regional
Transportation
Improvement
Program (RTIP)**

- 6 year capital listing of transportation projects
- Fiscal Years 2004/05 – 2009/2010
- Requires state and federal approval and conformity

The 2004 SCAG Regional Transportation Improvement Program (RTIP)
2

**2004 RTIP
Conformity
Tests**

- 1) Public involvement
- 2) Consistency with 2004 RTP
- 3) Regional emissions budgets
- 4) Funds to implement
- 5) Timely implementation of Transportation Control Measures (TCMs)

The 2004 SCAG Regional Transportation Improvement Program (RTIP)
3

Public Involvement

- **Meaningful public participation**
 - 30-day public review of Draft RTIP
 - 7 public hearings
 - SCAG Website
 - Public Libraries
 - Notices posted in major newspapers
- **Coordinated interagency consultation**
 - Transportation Conformity Working Group
 - Ongoing coordination meetings

The 2004 SCAG Regional Transportation Improvement Program (RTIP)
4

Consistency with the 2004 RTP

2004 RTIP is consistent with 2004 RTP's


- Policies
- Programs
- Projects

The 2004 SCAG Regional Transportation Improvement Program (RTIP)
5

Regional Emission Tests


- **Emissions for 2004 RTIP are within the SIP budgets**
 - VOC/ROG
 - NOx
 - CO
 - PM10
- **Analysis meets federally mandated modeling requirements**
- **Employs latest planning assumptions**

The 2004 SCAG Regional Transportation Improvement Program (RTIP)
6




Funds to Implement

- RTIP is financially constrained
- Funds are committed for first 2 years of the RTIP
- Funds are reasonably available for the 3rd to 6th years of the RTIP




The 2004 SCAG Regional Transportation Improvement Program (RTIP)

7




Transportation Control Measures (TCMs)

TCMs are identified and committed transportation projects or programs that reduce vehicle use or change traffic flow or congestion conditions for the purposes of reducing emissions from transportation sources (40 CFR 93.101).



The 2004 SCAG Regional Transportation Improvement Program (RTIP)


8



Timely Implementation of TCMs

TCMs in 2004 RTIP

- Given Priority
- On schedule or
- Obstacles are being overcome



The 2004 SCAG Regional Transportation Improvement Program (RTIP)

9

Conformity Lapse

Serious consequences include:

- SCAG could not approve non-exempt regionally significant projects,
- No federal approval of capacity enhancing projects, and
- The region would lose flexibility and could be forced to redirect up to \$8.5 billion in transportation funds.



The 2004 SCAG Regional Transportation Improvement Program (RTIP)

10

Recommended Action

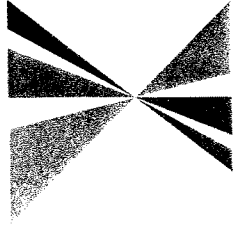
Recommend that the Regional Council approve the conformity determination for the 2004 RTIP as part of Resolution 04-453-2



The 2004 SCAG Regional Transportation Improvement Program (RTIP)

11

SOUTHERN CALIFORNIA



**ASSOCIATION OF
GOVERNMENTS**

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Councilmember Ron Roberts, Temecula • First Vice President: Supervisor Hank Kuiper, Imperial County • Second Vice President: Mayor Toni Young, Port Hueneme • Immediate Past President: Councilmember Bev Perry, Brea

Imperial County: Hank Kuiper, Imperial County • Jo Shields, Brawley

Los Angeles County: Yvonne Brathwaite Burke, Los Angeles County • Zev Yaroslavsky, Los Angeles County • Jim Aldinger, Manhattan Beach • Harry Baldwin, San Gabriel • Paul Bowien, Cerritos • Tony Cardenas, Los Angeles • Margaret Clark, Rosemead • Gene Daniels, Paramount • Mike Dispenza, Palmdale • Judy Dunlap, Inglewood • Eric Garcello, Los Angeles • Wendy Greuel, Los Angeles • Frank Gurulé, Cudahy • James Hahn, Los Angeles • Janice Hahn, Los Angeles • Isadore Hall, Compton • Tom LaBonge, Los Angeles • Bonnie Lowenthal, Long Beach • Martin Ludlow, Los Angeles • Keith McCarthy, Downey • Llewellyn Miller, Claremont • Cindy Miskowski, Los Angeles • Paul Nowatka, Torrance • Pam O'Connor, Santa Monica • Alex Padilla, Los Angeles • Bernard Parks, Los Angeles • Jan Perry, Los Angeles • Beatrice Proo, Pico Rivera • Ed Reyes, Los Angeles • Greig Smith, Los Angeles • Dick Stanford, Azusa • Tom Sykes, Walnut • Paul Talbot, Alhambra • Sidney Tyler, Pasadena • Tonia Reyes Uranga, Long Beach • Antonio Villaraigosa, Los Angeles • Dennis Washburn, Calabasas • Jack Weiss, Los Angeles • Bob Yousefian, Glendale • Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County • Ronald Bates, Los Alamitos • Lou Bone, Tustin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Cathryn DeYoung, Laguna Niguel • Richard Dixon, Lake Forest • Alta Duke, La Palma • Bev Perry, Brea • Tod Ridgeway, Newport Beach

Riverside County: Marion Ashley, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Ioveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Paul Biane, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Burgnon, Town of Apple Valley • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Gary Ottitt, Ontario • Deborah Robertson, Kialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Charles Smith, Orange County

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

RESOLUTION No.04-453-2
RESOLUTION OF
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
TO ADOPT THE FY 2004/05 – 2009/10
REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (2004 RTIP)
IN ACCORDANCE WITH FEDERAL REQUIREMENTS

WHEREAS, the Southern California Association of Governments (SCAG) is the federally designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(a) and (g) for the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura, and as such, is responsible for the preparation, adoption and regular revision of the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) pursuant to 23 U.S.C. §§134(g) 49 U.S.C. §5303(f) and 23 C.F.R. §450.312;

WHEREAS, also pursuant to Section 130004 of the California Public Utilities Code, SCAG is the designated Regional Transportation Planning Agency and, as such, is responsible for preparation of both the RTP and RTIP under California Government Code §§ 65080 and 65082 respectively; and

WHEREAS, SCAG's FY 2004/05 – 2009/10 RTIP (2004 RTIP) is a staged, multiyear, intermodal program of transportation projects; which covers six fiscal years includes a priority list of projects to be carried out in the first three fiscal years (2004/05, 2005/06 and 2006/07) and for informational purposes a prior year of obligated funds;

WHEREAS, 23 U.S.C. § 134(h)(2)(C) and 23 C.F.R. § 450.324(f)(2) requires the 2004 RTIP to be consistent with the 2004 RTP;

WHEREAS, 23 U.S.C. § 134(a), 49 U.S.C. § 5301 *et seq.*, 23 CFR § 450.312, and 49 CFR § 613.100 require SCAG, as the designated MPO, to maintain a continuing, cooperative and comprehensive transportation planning process in its development of the RTP and RTIP;

WHEREAS, 42 U.S.C. § 7506(c)(1) requires SCAG's 2002 RTIP to conform with the applicable State Implementation Plan (SIPs) developed for the federal non-attainment and maintenance areas in the Mojave Desert Air Basin, the Ventura County portion of the South Central Coast Air Basin, the South Coast Air Basin, and the Salton Sea Air Basin;

WHEREAS, Federal regulations at 23 CFR § 450.332(e) require that in non-attainment and maintenance areas, funding priority be given to timely implementation of transportation control measures (TCMs) contained in the applicable SIPs in accordance with the conformity regulations at 40 CFR Parts 51 and 93;

WHEREAS, SCAG has worked concurrently with local, state and federal jurisdictions in a continuing, cooperative and comprehensive manner as required by provisions of Federal and State law on the transportation planning processes;

WHEREAS, the Draft 2004 RTIP was available for public review and comment from June 18, 2004 to July 19, 2004;

WHEREAS, public hearings were conducted in June and July in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura on the Draft 2004 RTIP, as well as on July 15, 2004 at the Southern California Association of Governments in Los Angeles County;

WHEREAS, SCAG has complied with all applicable federal requirements in developing the 2004 RTIP, including, but not limited to:

- (1) TEA 21 (23 U.S.C. § 134, *et seq.*)
- (2) The Metropolitan planning regulations at 23 C.F.R. § 450 *et seq.*;
- (3) Government Code Section 65080 *et seq.*;
- (4) Sections 174 and 176(c) and (d) of the Clean Air Act [42 U.S.C. §§ 7504, 7506(c) and (d)];
- (5) Title VI of The Civil Rights Acts of 1964 and the Title VI assurance executed by each State under 23 U.S.C. § 324 and 29 U.S.C. § 794;
- (6) Title II of the American with Disabilities Act of 1990 (42 U.S.C. § 12001 *et seq.*) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR Parts 27, 37, and 38); and
- (7) The Department of Transportation's Final Environmental Justice Order, enacted pursuant to Executive Order 12898, which seeks to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment and requirements set forth in U.S.D.O.T. Order 5610.2, FHWA Order 6640.23 and 23 C.F.R. § 450.316(b)(ii); and

NOW, THEREFORE BE IT RESOLVED that

(1) Southern California Association of Governments finds as follows:

- (a) The 2004 RTIP implements and is consistent with the adopted 2004 RTP, as required by TEA-21 and California Government Code § 65080.5(a);
- (b) The 2004 RTIP is consistent and in conformance with the portions of the applicable SIPs relevant to all air basins as required by 42 U.S.C. § 7506(c)(1) and accompanying Federal regulations at 40 CFR §§ 51 and 93; and
- (c) The 2004 RTIP currently demonstrates timely implementation of transportation control measures as reflected in the applicable SIPs for the South Coast Air Basin and the Ventura County portion of the South Central Coast Air Basin;

- (d) The 2004 RTIP is consistent with the estimate of available funds adopted by the California Transportation Commission as required by § 14525 of the California Government Code. That the 2004 RTIP includes a Finance Plan that indicates estimated resources from public and private sources to implement the 2004 RTIP as required by 23 U.S.C. § 134(h) (2)(B);

(2) SCAG in cooperation with the county transportation commissions shall aggressively pursue the following strategies to ensure the timely implementation of Transportation Control Measures:

- (a) Coalesce the region to seek transportation dollars through the federal appropriations process—obtaining federal discretionary dollars for some specified critical projects;
- (b) Re-evaluate the State's North/South allocation of funds—Ensuring the region's fair share of transportation dollars, particularly for projects critical to meeting conformity requirements.
- (c) Support design/build arrangements as appropriate—facilitating the implementation of innovative procurement arrangements to accelerate project delivery;
- (d) Reprioritize the funding of projects as may be necessary –working with appropriate transportation partners to identify non-TCM projects that are being delayed and shifting any programmed funds for such projects to critical TCM projects.
- (e) Work with appropriate transportation partners to consider substitution of projects as may be necessary.
- (f) Assess the possibility of transportation fund loan arrangements between counties to ensure the timely implementation of critical TCM projects.
- (g) Focus on local ballot initiatives to fund transportation projects including the imposition ½ cent sales tax measure as necessary.

(3) The Regional Council hereby adopts the 2004 RTIP for all six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) in the SCAG region, which recognizes the following:

- (a) The 2004 RTIP does not preclude future amendments which may become necessary;
- (b) The 2004 RTIP constitutes endorsement for the purpose of Executive Order 12372 and 23 U.S.C. § 105; and
- (c) The 2004 RTIP will, upon approval of FHWA and FTA, replace previously endorsed RTIPs;

- (4) The Regional Council hereby adopts the 2004 RTIP and its conformity finding for all federal non-attainment and maintenance areas in the SCAG region;
- (5) SCAG's Executive Director is authorized to transmit the 2004 RTIP and its conformity findings to the Federal Transit Administration and the Federal Highway Administration to make the final conformity determination in accordance with the Federal Clean Air Act and EPA Transportation Conformity Rule at 40 CFR Parts 51 and 93;
- (6) SCAG's Executive Director is further authorized to transmit the 2004 RTIP to the Governor, the California Transportation Commission, the Federal Transit Administration and the Federal Highway Administration for inclusion in the Federal Transportation Improvement Program; and
- (7) The Regional Council hereby approves and adopts the 2004 RTIP incorporating herein all of the foregoing recitals.

Adopted by the Regional Council of the Southern California Association of Governments at a regular meeting on this 2st day of September 2004.

Ronald Roberts
President, SCAG
Councilmember, City of Temecula

Attest: _____
Mark Pisano
Executive Director

Approved as to Legal Form: _____
Karen Tachiki
Chief Counsel